



Supreme Court of California  
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**NEWS RELEASE**

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**FOR IMMEDIATE RELEASE**

July 31, 2015

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## Summary of Cases Accepted and Related Actions During Week of July 27, 2015

*[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]*

**#15-133 *American Civil Liberties Union Foundation of Southern California v. Superior Court, S227106.*** (B259392; 236 Cal.App.4th 673; Los Angeles County Superior Court; BS143004.) Petition for review after the Court of Appeal denied a petition for writ of mandate. This case presents the following issue: Does information collected by police using “automated license plate readers” — high-speed cameras that automatically scan and record the license plate numbers and time, date and location of every passing vehicle without suspicion of criminal activity — constitute law enforcement “records of . . . investigations” that are permanently exempt from disclosure under the Public Records Act in accordance with Government Code section 6254, subdivision (f)?

**#15-134 *DisputeSuite.com, LLC v. Scoreinc.com, S226652.*** (B248694; 235 Cal.App.4th 1261, mod. 236 Cal.App.4th 529e; Los Angeles County Superior Court; BC489083.) Petition for review after the Court of Appeal affirmed an order denying an award of attorney fees in a civil action. This case presents the following issue: Were defendants entitled to an award of attorney fees under Civil Code section 1717 as the prevailing parties in an action on a contract when they obtained the dismissal of the action on procedural grounds pursuant to a Florida forum selection clause?

**#15-135 *Kabran v. Sharp Memorial Hospital, S227393.*** (D064133; 236 Cal.App.4th 1294; San Diego County Superior Court; 37-2010-00083678-CU-PO-CTL.) Petition for review after the Court of Appeal affirmed an order granting a new trial in a civil action. This case presents the following issue: Are the time constraints in California Code of Civil Procedure section 659a jurisdictional such that a court cannot consider late-filed documents?

**#15-136 *People v. Denize*, S227227.** (H039974; 236 Cal.App.4th 966; Santa Clara County Superior Court; 179647.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

**#15-137 *People v. Williams*, S227284.** (B260397; nonpublished opinion; Los Angeles County Superior Court; PA031805.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Deniez* and *Williams* deferred pending finality of decision in *People v. Johnson*, S219454 (#14-87), and *People v. Machado*, S219819 (#14-88), which present the following issues: (1) For the purpose of determining eligibility for resentencing under the Three Strikes Reform Act of 2012 (Prop. 36, Gen. Elec. (Nov. 6, 2012) [Pen. Code, § 1170.126]), is an offense considered a serious or violent felony if it was *not* defined as a serious or violent felony on the date the offense was committed but *was* defined as a serious or violent felony on the effective date of the Act? (2) Is an inmate serving an indeterminate term of life imprisonment under the Three Strikes Law (Pen. Code, §§ 667, subds. (b)-(j), 1170.12), which was imposed for a conviction of an offense that is *not* a serious or violent felony, eligible for resentencing on that conviction under the Three Strikes Reform Act if the inmate is also serving an indeterminate term of life imprisonment under the Three Strikes Law for a conviction of an offense that *is* a serious or violent felony?

**#15-138 *People v. Fanning*, S226955.** (D065320; nonpublished opinion; San Diego County Superior Court; SCD130440.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence. The court ordered briefing deferred pending of decision in *People v. Chaney*, S223676 (#15-13), and *People v. Valencia*, S223825 (#15-14), which present the following issue: Does the definition of “unreasonable risk of danger to public safety” (Pen. Code, § 1170.18, subd. (c)) under Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply on retroactivity or other grounds to resentencing under the Three Strikes Reform Act of 2012 (Pen. Code, § 1170.126)?

**#15-139 *People v. Meraz*, S226665.** (B245657; nonpublished opinion; Los Angeles County Superior Court; PA065446.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses.

**#15-140 *People v. Vega-Robles*, S226913.** (A137121; 236 Cal.App.4th 554; Contra Costa County Superior Court; 0801761.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses.

The court ordered briefing in *Meraz* and *Vega-Robles* deferred pending decision in *People v. Sanchez*, S216681 (#14-47), which presents the following issue: Was

defendant's Sixth Amendment right to confrontation violated by the gang expert's reliance on testimonial hearsay (*Crawford v. Washington* (2004) 541 U.S. 36)?

## STATUS

**#13-97 *B.H. v. County of San Bernardino, S213066*.** The court directed the parties to file supplemental letter briefs addressing the following issues: (1) Do the reporting requirements of Penal Code section 11166, subdivision (a), apply to law enforcement officers who are investigating allegations of child abuse made by third parties and received by a law enforcement agency? (2) If not, should *Alejo v. City of Alhambra* (1999) 75 Cal.App.4th 1180 be disapproved?

**#13-109 *Rodriguez v. RWA Trucking Company, Inc., S214150*.** The opinion of the Court of Appeal, originally printed at 219 Cal.App.4th 692, was ordered republished.

**#14-41 *Gaines v. Fidelity National Title Ins. Co., S215990*.** The court directed the parties to file supplemental letter briefs addressing the following issues: (1) Did the trial court's April 3, 2008 order "striking the current Trial Date of September 22, 2008" (CT 279) constitute a stay of the "trial of the action" under Code of Civil Procedure, section 583.340, subdivision (b)? (2) What factors distinguish between a stay of trial and a continuance of trial for purposes of Code of Civil Procedure, section 583.340, subdivision (b)?

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*The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.*